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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 JAVIER CHAVEZ,

12 Defendant.

3:18-CR-057-MMD-WGC

Preliminary Order of Forfeiture

13 This Court finds Javier Chavez pled guilty to Count One of a One-Count
14 Superseding Information charging him with conspiracy to possess with intent to distribute
15 and to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 846.
16 Superseding Information, ECF No. 573; Plea Agreement, ECF No. 575; Arraignment &
17 Plea, ECF No. 582.

18 This Court finds Javier Chavez agreed to the forfeiture of the property set forth in the
19 Plea Agreement and the Forfeiture Allegation of the Superseding Information. Superseding
20 Information, ECF No. 573; Plea Agreement, ECF No. 575; Arraignment & Plea, ECF No.
21 582.

22 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States
23 of America has shown the requisite nexus between property set forth in the Plea Agreement
24 and the Forfeiture Allegation of the Superseding Information and the offense to which
25 Javier Chavez pled guilty.

26 The following property is (1) any property, real or personal, which constitutes or is
27 derived from proceeds traceable to a violation of 21 U.S.C. § 841(a)(1), a specified unlawful
28 activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(D), or 21 U.S.C. § 846,

1 conspiracy to commit such offense; (2) any property constituting, or derived from, any
2 proceeds obtained, directly or indirectly, as the result of violations of 21 U.S.C. §§ 841(a)(1)
3 and 846; (3) any property used, or intended to be used, in any manner or part, to commit, or
4 to facilitate the commission of violations of 21 U.S.C. §§ 841(a)(1) and 846; and (4) all
5 moneys, negotiable instruments, securities, or other things of value furnished or intended to
6 be furnished in exchange for a controlled substance or listed chemical in violation of 21
7 U.S.C. §§ 841(a)(1) and 846, all proceeds traceable to such an exchange, and all moneys,
8 negotiable instruments, and securities used or intended to be used to facilitate any violation
9 of 21 U.S.C. §§ 841(a)(1) and 846, and is subject to forfeiture pursuant to 18 U.S.C. §
10 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1); 21 U.S.C. § 853(a)(2); 21
11 U.S.C. § 853(p); and 21 U.S.C. § 881(a)(6) with 28 U.S.C. § 2461(c):

- 12 1. \$1,000.00 in US Currency seized from Alberto Acosta-Macias at 3503
13 Postre Ct.;
- 14 2. \$213.00 in US Currency seized from Jose Mora at 460 E. Grove St.;
- 15 3. \$607.00 in US Currency seized from Shawn Curl at 4986 S. Virginia St.;
- 16 4. \$996.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf Ct.;
- 17 5. \$2,750.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf
18 Ct.;
- 19 6. \$16,021.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf
20 Ct.; and
- 21 7. \$3,785.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf Ct.
22 (all of which constitutes property);

23 This Court finds that the United States of America may amend this order at any time
24 to add subsequently located property or substitute property to the forfeiture order pursuant
25 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

26 This Court finds the United States of America is now entitled to, and should, reduce
27 the aforementioned property to the possession of the United States of America.

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1 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
2 DECREED that the United States of America should seize the aforementioned property.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
4 rights, ownership rights, and all rights, titles, and interests of Javier Chavez in the
5 aforementioned property are forfeited and are vested in the United States of America and
6 shall be safely held by the United States of America until further order of the Court.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
8 of America shall publish for at least thirty (30) consecutive days on the official internet
9 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
10 describe the forfeited property, state the time under the applicable statute when a petition
11 contesting the forfeiture must be filed, and state the name and contact information for the
12 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
13 and 21 U.S.C. § 853(n)(2).

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
15 or entity who claims an interest in the aforementioned property must file a petition for a
16 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
17 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
18 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
19 right, title, or interest in the forfeited property and any additional facts supporting the
20 petitioner's petition and the relief sought.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
22 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal
23 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty
24 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
25 after the first day of the publication on the official internet government forfeiture site,
26 www.forfeiture.gov.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
2 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
3 Attorney's Office at the following address at the time of filing:

4 Daniel D. Hollingsworth
5 Assistant United States Attorney
6 James A. Blum
7 Assistant United States Attorney
8 501 Las Vegas Boulevard South, Suite 1100
9 Las Vegas, Nevada 89101.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
9 described herein need not be published in the event a Declaration of Forfeiture is issued by
10 the appropriate agency following publication of notice of seizure and intent to
11 administratively forfeit the above-described property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
13 copies of this Order to all counsel of record.

14 DATED January 28, 2020.

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17 HONORABLE MIRANDA M. DU
18 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on
January 28, 2020.

/s/ Heidi L. Skillin
HEIDI L. SKILLIN
FSA Contractor Paralegal